

IN THE UNITED STATES DISTRICT COURT  
FOR THE Corpus Christi DISTRICT OF TEXAS  
DIVISION

Clerk, U.S. District Court  
Southern District of Texas  
FILED

Form To Be Used By A Prisoner in Filing a Complaint  
Under the Civil Rights Act, 42 U.S.C. § 1983

OCT 18 2016

David J. Bradley, Clerk of Court

Jimmy Arneal Butler #1747497

Plaintiff's name and ID Number

3201 FM 929

Gatesville, Tx. 78102

Place of Confinement Alfred Hughes Unit

W.G. McConnell Unit

v. Jose H. Hernandez (LT)

3001 S. Emily Dr.

Beeville, Tx. 78102

Defendant's name and address

Garrett D. Dressler (C.O. II)

3001 S. Emily Drive

Beeville, Tx. 78102

Defendant's name and address

Christopher A. Lane (C.O. III)

3001 S. Emily Dr.

Beeville, Tx. 78102

Defendant's name and address

(DO NOT USE "ET AL.")

CASE NO: \_\_\_\_\_  
(Clerk will assign the number)

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the Clerk of the United States Court for the appropriate District of Texas in the Division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. The list labeled as "VENUE LIST" is posted in your unit law library. It is a list of Texas prison units indicating the appropriate District Court, the Division and an address of the Divisional Clerks.

- ## CHANGE OF ADDRESS

**I. PREVIOUS LAWSUITS:**

- Page 2 of 5

Hudges Unit  
3201 PM 929

II. PLACE OF PRESENT CONFINEMENT:

Gatesville, Tx. ~~929~~ 76597

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted both steps of the grievance procedure in this institution?   /   YES    NO

Attach a copy of the Step 2 grievance with the response supplied by the prison system.

IV. PARTIES TO THE SUIT:

A. Name of address of plaintiff:

N/A

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Jose H. Hernandez (Lt) (W.G. McConnell Unit)  
3001 S. Emily Dr., Beeville, Tx. 78102

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

Failure to investigate a non-locked cell; Failure to protect plaintiff rights.

Defendant #2: Garrett D. Dressler (C.O. II) (W.G. McConnell Unit)  
3001 S. Emily Dr. Beeville, Tx. 78102

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

Stand cellside; Failure to protect plaintiff; Failure to stop assault.

Defendant #3: Christopher A. Lane (C.O. III) (W.G. McConnell Unit)  
3001 S. Emily Dr., Beeville, Tx. 78102

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

Stand at cellside, failure to protect plaintiff, from assault.

Defendant #4: Corey Furr (Ass. Warden) (W.G. McConnell Unit)

Failure to secure all doors as well as 12FA-section is secured.

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

Defendant #5:

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

**V. STATEMENT OF CLAIM:**

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal argument or cite any cases of statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

On 1-8-16, I notified Lt. Jose H. Hernandez; verbally I gave him an I-60 that I was living in dailey fear of my safety & life. Offender, Adam Broomfield #1680324, had made serious threats to exit his cell, which the lock mechanism was broken, but Lt. Jose H. Hernandez, he ignored my pleas to secure cell or move the offender. (Adam Broomfield, also known as a "Piru Affiliante" Gang member! On 1-8-16, I was being handcuff behind my back to go shower, when offender A. Broomfield, exit his cell, ranned to my cell, intered it & began beating me unconscious. As a result, I sustainen 4-stiches to my right upper eye, left neck injury & right lower back injury.

**VI. RELIEF:** State briefly exactly what you want the court to do for you. Make no legal arguments. Cite not cases or statutes.

Plaintiff ask the courts to bring alleged Defendant, named in this civil complaint befor the "bar of justice" in their individual & official capacity for compensation & sum of \$60,000.

**VII. GENERAL BACKGROUND INFORMATION:**

A. State, in complete form, all names you have ever used or been known by including any and all aliases:

Jimmie A. Butler, Jimmy A. Butler, James A. Butler

B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if know to you.

818598, 1747497

**VIII. SANCTIONS:**

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? ☐ YES ☒ NO

B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (If federal, give district and division): N/A

2. Case Number: N/A

3. Approximate date sanctions were imposed: N/A

4. Have the sanctions been lifted or otherwise satisfied? ☐ YES ☒ NO

C. Has any court ever warned or notified you that sanctions could be imposed?      YES      NO

D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed warning (if federal, give the district and division): N/A
2. Case number: N/A
3. Approximate date warning were imposed: N/A

Executed on: 10/13/16  
(Date)

Jimmy A. Butler #1747497  
(Printed Name)  
J. Butler  
(Signature of Plaintiff)

### PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachment thereto are true and correct.
2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits are dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger or serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire **\$350** filing fee and costs assessed by the Court, which shall be deducted in accordance with the law from the inmate account by my custodian until the filing fee is paid.

Signed this 13 day of October, 20 16.  
(Day) (Month) (Year)

Jimmy A. Butler  
(Printed Name)  
J. Butler  
(Signature of Plaintiff)

**WARNING: The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limbed to monetary sanctions and/or the dismissal of this action with prejudice.**

DEPRIVATION OF PLAINTIFF'S FOURTEENTH [14]

AMENDMENT RIGHTS

I, Jimmie A. Butler TDCJ-ID Number 1747497  
(hereinafter referred to as [PLAINTIFF] states, the foregoing, pursuant to Title 28 U.S.C.A. 1746 under oath, and under the pains and penalty of perjury, that; An offender in a prison has a constitutional right to be reasonably protected from the "CONSTANT" threat of violence and physical assault from his fellow offenders. The prison officials have failed to exercise reasonable care to prevent "GANG MEMBERS" from intentionally inflicting harm or creating unreasonable risk of harm to other (offenders) prisoners.

Confinement in a prison "Where terror reigns" is cruel and unusual punishment. Furthermore, the failure to control or separate "KNOWN GANG MEMBERS" who endanger the physical safety of other offenders, can constitute cruel and unusual punishment.

Suffice it to say, that all officials owe a constitutionally rooted duty to their prisoner's to provide them reasonable protection from injury at the hands of their fellow prisoners [GANG MEMBERS].

Plaintiff contends, whether expressed in the Fifth or Eight Amendment terms, this classify prisoners, or to provide adequate space for exercise. That is, this is not a case that addresses what is popularly referred to as prison reform. It is instead a Civil Suit for compensation for injuries flowing from a deprivation of a basic liberty interest... "A RIGHT TO BE REASONABLY PROTECTED FROM THE CONSTANT THREAT OF VIOLENCE AND PHYSICAL ASSAULT FROM HIS FELLOW PRISONERS."

Sworn to, and executed on this the 13 day of Oct. 2016.

Respectfully, J. Butler

OCT 18 2016

David J. Bradley, Clerk of Court

To whom it may concern,  
I am illiterate to law  
I'm requesting a  
civil trial counsel.

Jimmy A. Butler #1747497

Hughes Unit

3201 FM 929

Gatesville, Tx. 76597

10/13/16





## Texas Department of Criminal Justice

## STEP 2

OFFENDER  
GRIEVANCE FORM

SEP 02 2016 OFFICE USE ONLY	
Grievance #:	2016110142
GR Recd Date:	MAR 24 2016
HQ Recd Date:	JUL 18 2016
Date Due:	8.22
Grievance Code:	522
Investigator ID#:	1722
Extension Date:	10-1

Offender Name: Jimmy Butler TDCJ # 1747497  
 Unit: M 2A Housing Assignment: 127-43  
 Unit where incident occurred: M 2

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). I am dissatisfied with the response at Step 1 because...

This grievance is late because of "medical chain". To whom it may concern... 127-73 door cell-door was snatched open by another inmate due to its malfunction. And because of its malfunction, I was seriously assaulted, I suffered 4 stitches to my right upper eye; no officer tried to stop the assault or intervene. No chemical agents were used or an use of force, which I was handcuffed behind my back, which Officer Lane & Officer Dussler both stood; watched the assault, intentionally; willingly. My rights were violated during this assault; for a fact, 127-73 at the Mc Connell Unit is altered. I was in complete fear of my life during this assault; was in fear of being rehoused in 127-73. Once again, my rights were violated due to this malfunction on this door.



*I C.O. 3 have i C.O. 2 Quicker not Intervene,  
 or using agents. (8th Amendment  
 14 Amendment) 'McCConnell Unit is seg  
 is not safe' It's suppose to be but its  
 not; ~~should~~ inmates come out at any time.*

Offender Signature: Jimmy Butler Date: 7-8-16

Grievance Response:

Your complaint has been noted and was appropriately addressed at step one. Evidence revealed you are no longer assigned to the McConnell Unit; therefore, are no longer in immediate jeopardy from McConnell offender and/or staff. No further action warranted. E. Garza, Region IV Assistant Director

Signature Authority:

*E. Garza*

Date:

*8/17/16*

Returned because: *\*Resubmit this form when corrections are made.*

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible.\*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments.\*
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☐ 6. Inappropriate.\*

CGO Staff Signature: \_\_\_\_\_

**OFFICE USE ONLY****Initial Submission**

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

**2<sup>nd</sup> Submission**

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

**3<sup>rd</sup> Submission**

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

Jimmy A. Butler #17417497  
3209 3rd 9203  
Fateo Wells, Apt. 76597  
Aling has wait

Clerk, U.S. District Court  
Southern Filed  
OCT 18 2016  
David J. Bradley, Clerk of Court

✓

U.S. District Clerk, OLC's  
1133 N Shoreline Blvd.  
Corpus Christi, Tx. 78401

